

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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| <p>INSITUFORM TECHNOLOGIES, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p>v.</p> <p>AMERICAN HOME ASSURANCE COMPANY,</p> <p style="text-align: center;">Defendant.</p> | <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> | <p>CASE NO. 04-10487 GAO</p> |
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**AMERICAN HOME ASSURANCE COMPANY’S
MOTION FOR LEAVE TO SUPPLEMENT THE RECORD IN OPPOSITION TO
INSITUFORM’S CROSS-MOTION FOR SUMMARY JUDGMENT**

Defendant American Home Assurance Company (“American Home”) hereby moves for leave to supplement the record in connection with American Home’s opposition to Plaintiff Insituform Technologies, Inc.’s (“Insituform’s”) Cross-Motion for Summary Judgment. The supplemental memorandum in further opposition to Insituform’s cross-motion and the Affidavit of Kurt M. Mullen are attached as Exhibits A and B to this Motion. In support of this Motion, American Home states the following:

1. American Home seeks to include portions of the deposition transcript of Larry Mangels, Insituform’s Director of Finance for North America, which was received after the hearing on the parties’ motion and cross-motion for summary judgment.

2. Such testimony relates to the disputed factual nature of certain of the costs that Insituform alleges are related to its claim against American Home.

3. It is in the interest of justice to permit American Home to file these supplemental materials and the filing thereof will neither prejudice Plaintiff nor delay resolution of the pending motions.

WHEREFORE, American Home requests that its Motion for Leave to Supplement the Record be granted.

AMERICAN HOME ASSURANCE COMPANY,

By its attorneys,

/s/ Kurt M. Mullen

Gregory P. Deschenes (BBO #550830)

gdeschenes@nixonpeabody.com

Gregg A. Rubenstein (BBO #639680)

grubenstein@nixonpeabody.com

Kurt M. Mullen (BBO #651954)

kmullen@nixonpeabody.com

NIXON PEABODY LLP

100 Summer Street

Boston, Massachusetts 02110

(617) 345-1000

(617) 345-1300 (facsimile)

Dated: January 8, 2007

LOCAL RULE 7.1(A) CERTIFICATION

By signing below, the undersigned certifies that he conferred with counsel for plaintiff on January 8, 2007 in a good faith effort to resolve or narrow the issue presented by this motion.

/s/ Kurt M. Mullen

Kurt M. Mullen

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each party by first class mail on January 8, 2007 and upon all parties registered for electronic notification via the Court's electronic filing system.

/s/ Kurt M. Mullen

Kurt M. Mullen